## MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY

	SENTENCE BY A PERSON IN 1 25 ELS.
WT . 24 -	d States District Court District Western District of Missouri
	d States District Court  under which you were convicted):  Docket or Case No.:
Name (u	14-11-2-20
	PTISOREI IV
	21:
FCI	
UNITE	D STATES OF AMERICA  V. Mark Millman
	Train of
<del></del>	MOTION
	(a) Name and location of court which entered the judgment of conviction you are challenging:
1.	(a) Name and location of court which entered the judgment of conviction years.  Western District of Missour.
	Western District of Mil
	Spingfield Missouri
	(b) Criminal docket or case number (if you know): A clant know
	(b) Criminal docker of case number (if you
2	(a) Date of the judgment of conviction (if you know):
2.	(b) Date of sentencing: Don't know
	(b) Date of sentencing: Don't Co
2	Length of sentence: 35 years
3.	Nature of crime (all counts): Possession of child pornography and Production
4.	Nature of crime (all counts): Possession of Child Porrogrammy
••	of child Poinography
	Of Chica tottograph
5.	(a) What was your plea? (Check one)
ے.	(a) What was your plea? (Check one)  (1) Not guilty   (2) Guilty   (3) Nolo contendere (no contest)
	(1) 1101 8-117
	(b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or
	what did you plead guilty to and what did you plead not guilty to?
	What did you pieud guilty to man
_	If you went to trial, what kind of trial did you have? (Check one)  Jury   Judge only   Judge only   If you went to trial, what kind of trial did you have?
6.	II you went to man, what kind of the same and

7.	Did you testify at a pretrial hearing, trial, or post-trial hearing? Yes  No
8.	Did you appeal from the judgment of conviction? Yes  No  No
9.	If you did appeal, answer the following:  (a) Name of court:
	(b) Docket or case number (if you know):
	(c) Result:
	(d) Date of result (if you know):
	(e) Citation to the case (if you know):
	(f) Grounds raised:
	(g) Did you file a petition for certiorari in the United States Supreme Court? Yes \( \sqrt{No} \sqrt{\sqrt{D}} \)
	(g) Did you file a petition for certificant in the Offices states of petition
	If "Yes," answer the following:
	(1) Docket or case number (if you know):
	(2) Result:
	(3) Date of result (if you know):
	(4) Citation to the case (if you know):
	(5) Grounds raised:
10.	Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications, concerning this judgment of conviction in any court?
	Yes □ No 🗹
11.	If your answer to Question 10 was "Yes," give the following information:
	(a) (1) Name of court:
	(2) Docket or case number (if you know):
	(3) Date of filing (if you know):

	(4)	Nature of the proceeding:
	(5)	
	(3)	Grounds Adabas.
	(6)	Did you receive a hearing where evidence was given on your motion, petition, or application?
	(0)	Yes D No D
	(7)	
		Result:  Date of result (if you know):
<i>a</i> >		ou filed any second motion, petition, or application, give the same information:
(b)		Name of court:
	(1)	Docket of case number (if you know):
	(2)	
	(3)	Date of filing (if you know):
	(4)	Nature of the proceeding:
	(5)	Grounds raised:
		en your motion, netition, or application?
	(6)	Did you receive a hearing where evidence was given on your motion, petition, or application?
		Yes □ No □
		Result:
	(8)	Date of result (if you know):
		you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition,
or a	pplic	cation?
		First petition: Yes \( \sum \) No \( \sum \)
	(2)	Second petition: Yes \( \subseteq \text{No } \subseteq \)
(d)	If yo	ou did not appeal from the action on any motion, petition, or application, explain briefly why you did not:

12.	For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.
GRO	UND ONE: Inessective assistance for Failure to investigate
	(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):  See affached managed of Points and authorities at 3. 10-28
	to 7:28.
	(b) Direct Appeal of Ground One:
	(I) If you appealed from the judgment of conviction, did you raise this issue?
	· Yes □ No Ø
	(2) If you did not raise this issue in your direct appeal, explain why: Inestective assistance
	not arguable on direct Appeal
	<ul><li>(c) Post-Conviction Proceedings:</li><li>(1) Did you raise this issue in any post-conviction motion, petition, or application?</li></ul>
	Yes \( \sum \) No \( \sum \)
	(2) If you answer to Question (c)(1) is "Yes," state:
	Type of motion or petition:
	Name and location of the court where the motion or petition was filed:
	Docket or case number (if you know):
	Date of the court's decision:
	Result (attach a copy of the court's opinion or order, if available):
	(3) Did you receive a hearing on your motion, petition, or application?
	Yes \( \Bar{\cappa} \) No \( \Bar{\cappa} \)

	(4) Did you appeal from the denial of your motion, petition, or application?
	Ves D No D
	(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?
	Yes □ No □
	(6) If your answer to Question (c)(4) is "Yes," state:
	Name and location of the court where the appeal was filed:
	Docket or case number (if you know):
	Date of the court's decision:
	Result (attach a copy of the court's opinion or order, if available):
	1.1 - A
	(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this
	issue:
	DTWO: Inestective assistance of course for failure to information of presented burden in proving that the images were of chipselecting facts (Do not argue or cite law. Just state the specific facts that support your claim.):  See attached memorandum of points and authorities of 8  TO (0, 21
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(b	Direct Appeal of Ground Two:
	(1) If you appealed from the judgment of conviction, did you raise this issue?
	Yes 🗆 No 🗹

	) If you did not raise this issue in your direct appeal, explain why: Inffective assistance					
(c)	Post-Conviction Proceedings:					
(-)	(1) Did you raise this issue in any post-conviction motion, petition, or application?					
	Yes □ No ☑					
	(2) If you answer to Question (c)(1) is "Yes," state:					
	Type of motion or petition:					
	Name and location of the court where the motion or petition was filed:					
	Docket or case number (if you know):					
	Date of the court's decision:					
	Result (attach a copy of the court's opinion or order, if available):					
	Result (attach a copy of the court's opinion of state,					
	(3) Did you receive a hearing on your motion, petition, or application?					
	Yes □ No □					
	(4) Did you appeal from the denial of your motion, petition, or application?					
	Yes □ No □					
	(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?					
	Yes 🗀 No 🗀					
	(6) If your answer to Question (c)(4) is "Yes," state:					
	Name and location of the court where the appeal was filed:					
	Docket or case number (if you know):					
	Date of the court's decision:					
	Result (attach a copy of the court's opinion or order, if available):					
	(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this					
	issue:					

	) THREE:
(0)	Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
(a)	Supporting two (**
_	
(b)	Direct Appeal of Ground Three:
	(1) If you appealed from the judgment of conviction, did you raise this issue?
	Yes □ No □
	(2) If you did not raise this issue in your direct appeal, explain why:
	(2) If you did not take this librar in your
(c)	Post-Conviction Proceedings:
	(1) Did you raise this issue in any post-conviction motion, petition, or application?
	Yes □ No □
	(2) If you answer to Question (c)(1) is "Yes," state:
	Type of motion or petition:
	Name and location of the court where the motion or petition was filed:
	Docket or case number (if you know):
	Date of the court's decision:
	Result (attach a copy of the court's opinion or order, if available):
	(3) Did you receive a hearing on your motion, petition, or application?
	Yes No
	(4) Did you appeal from the denial of your motion, petition, or application?
	(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?
	Yes □ No □

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	(6) If your answer to Question (c)(4) is "Yes," state:
	Name and location of the court where the appeal was filed:
	Desired an area annuals (if you know):
	Docket or case number (if you know):
	Date of the court's decision:
	Result (attach a copy of the court's opinion or order, if available):
	(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise tissue:
UND	FOUR:
	The second of the support your claim ).
(a)	Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
<u></u>	Direct Appeal of Ground Four:
	(1) If you appealed from the judgment of conviction, did you raise this issue?
	•
	V 🗆 No 🗇
	Yes No O
	Yes No C  (2) If you did not raise this issue in your direct appeal, explain why:

Docket or case number (if you know):  Date of the court's decision:  Result (attach a copy of the court's opinion or order, if available):  (3) Did you receive a hearing on your motion, petition, or application?  Yes \( \subseteq \text{No} \subseteq \)  (4) Did you appeal from the denial of your motion, petition, or application?  Yes \( \subseteq \text{No} \subseteq \)  (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?  Yes \( \subseteq \text{No} \subseteq \)  (6) If your answer to Question (c)(4) is "Yes," state:		ne and location of the court where the motion or petition was filed:
Date of the court's decision:  Result (attach a copy of the court's opinion or order, if available):  (3) Did you receive a hearing on your motion, petition, or application?  Yes	Do	
(3) Did you receive a hearing on your motion, petition, or application?  Yes	Dat	, v
Yes No C  (4) Did you appeal from the denial of your motion, petition, or application?  Yes No C  (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?  Yes No C  (6) If your answer to Question (c)(4) is "Yes," state:  Name and location of the court where the appeal was filed:  Docket or case number (if you know):  Date of the court's decision:  Result (attach a copy of the court's opinion or order, if available):  (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raissue:  ere any ground in this motion that you have not previously presented in some federal court? If so, which and or grounds have not been presented, and state your reasons for not presenting them:	Res	ult (attach a copy of the court's opinion or order, if available):
(4) Did you appeal from the denial of your motion, petition, or application?  Yes	(3)	Did you receive a hearing on your motion, petition, or application?
Yes \( \) No \( \)  (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?  Yes \( \) No \( \)  (6) If your answer to Question (c)(4) is "Yes," state:  Name and location of the court where the appeal was filed:  Docket or case number (if you know):  Date of the court's decision:  Result (attach a copy of the court's opinion or order, if available):  (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raissue:  ere any ground in this motion that you have not previously presented in some federal court? If so, which are grounds have not been presented, and state your reasons for not presenting them:		Yes No D
(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?  Yes No (6) If your answer to Question (c)(4) is "Yes," state:  Name and location of the court where the appeal was filed:  Docket or case number (if you know):  Date of the court's decision:  Result (attach a copy of the court's opinion or order, if available):  (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raissue:  ere any ground in this motion that you have not previously presented in some federal court? If so, which are grounds have not been presented, and state your reasons for not presenting them:	(4)	Did you appeal from the denial of your motion, petition, or application?
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ind or grounds have not been presented, and state your reasons for not presenting them:		
	ind o	r grounds have not been presented, and state your reasons for not presenting them:

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.  Give the name and address, if known, of each attorney who represented you in the following stages of the you are challenging:  (a) At the preliminary hearing:  (b) At the arraignment and plea:  (c) At the trial:  (d) At sentencing:  (e) On appeal:  (f) In any post-conviction proceeding:  (g) On appeal from any ruling against you in a post-conviction proceeding:  Were you sentenced on more than one coust of an indictment, or on more than one indictment, in the same count at the same time?  Yes No Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging?  Yes No Do  On Sive the date the other sentence was imposed:	ere you sentenced on more than one count of an indictment, or on more than one indictment, in the same cound at the same time?  Yes \( \subseteq \text{ No } \superscript{ No } \supersc	you are chai	e any motion, petition, or appeal <u>now pending</u> (filed and not decided yet) in any court for the judge lenging? Yes I No I
Give the name and address, if known, of each attorney who represented you in the following stages of the you are challenging:  (a) At the preliminary hearing:  (b) At the arraignment and plea:  (c) At the trial:  (d) At sentencing:  (e) On appeal:  (f) In any post-conviction proceeding:  (g) On appeal from any ruling against you in a post-conviction proceeding:  Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same of and at the same time?  Yes No D  Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging?  Yes No S  No S  On appeal from any count of an indictment, or on more than one indictment, in the same of and at the same time?  Yes No S  On specific the sentence for the judgment that you are challenging?  Yes No S  On specific the sentence you will serve in the future:	ive the name and address, if known, of each attorney who represented you in the following stages of the on are challenging:  (a) At the preliminary hearing:  (b) Af the arraignment and plea:  (c) At the trial:  (d) At sentencing:  (e) On appeal:  (e) On appeal from any ruling against you in a post-conviction proceeding:  (e) On appeal from any ruling against you in a post-conviction proceeding:  (e) On appeal from any ruling against you in a post-conviction proceeding:  (e) On appeal from any ruling against you in a post-conviction proceeding:  (e) On appeal from any ruling against you in a post-conviction proceeding:  (e) On appeal from any ruling against you in a post-conviction proceeding:  (e) On appeal from any ruling against you in a post-conviction proceeding:  (e) On appeal from any ruling against you in a post-conviction proceeding:  (e) On appeal from any ruling against you in a post-conviction proceeding:  (e) On appeal from any ruling against you in a post-conviction proceeding:  (f) On appeal from any ruling against you in a post-conviction proceeding:  (f) On appeal from any ruling against you in a post-conviction proceeding:  (f) On appeal from any ruling against you in a post-conviction proceeding:  (f) On appeal from any ruling against you in a post-conviction proceeding:  (f) On appeal from any ruling against you in a post-conviction proceeding:  (f) On appeal from any ruling against you in a post-conviction proceeding:  (f) On appeal from any ruling against you in a post-conviction proceeding:  (f) On appeal from any ruling against you in a post-conviction proceeding:  (f) On appeal from any ruling against you in a post-conviction proceeding:  (f) On appeal from any ruling against you in a post-conviction proceeding:  (f) On appeal from any ruling against you in a post-conviction proceeding:  (f) On appeal from any ruling against you in a post-conviction proceeding:  (f) On appeal from any ruling against you in a post-conviction proceeding:  (f) On appeal from any ruling against you in a post		
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Give the name and address, if known, of each attorney who represented you in the following stages of the you are challenging:  (a) At the preliminary hearing:  (b) At the arraignment and plea:  (c) At the trial:  (d) At sentencing:  (e) On appeal:  (f) In any post-conviction proceeding:  (g) On appeal from any ruling against you in a post-conviction proceeding:  Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same count at the same time?  Yes No D  Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging?  Yes No M  No M  (a) If so, give name and location of court that imposed the other sentence you will serve in the future:	ive the name and address, if known, of each attorney who represented you in the following stages of the on are challenging:  At the preliminary hearing:  At the preliminary hearing:  At the trial:  At the trial:  On appeal:  In any post-conviction proceeding:  On appeal from any ruling against you in a post-conviction proceeding:  ere you sentenced on more than one count of an indictment, or on more than one indictment, in the same count of at the same time?  Yes No D  Oyou have any future sentence to serve after you complete the sentence for the judgment that you are allenging?  Yes No D  Of it so, give name and location of court that imposed the other sentence you will serve in the future:  Give the date the other sentence was imposed:  Give the length of the other sentence:		
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A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of –

(1) the date on which the judgment of conviction became final;

(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;

(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

<sup>\*</sup> The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

▲AO 243 (Rev. 10/87)		P
Therefore, movant asks that the Court grant the following relief:	vacate desendants	
or any other relief to which movant may be entitled.		
any other rener to which movant may be enduce.		
	Signature of Attorney (if any)	
declare (or certify, verify, or state) under penalty of perjury that t	he foregoing is true and correct and that this Motion	
nder 28 U.S.C. § 2255 was placed in the prison mailing system of		
	(month, date, year)	
xecuted (signed) on	(date)	
	Signature of Movant	
	-	
the person signing is not movant, state relationship to movant and	d evaluin why movent is not signing this motion	
the person signing is not movant, state retailousnip to movant and	e capitale why movant is not signing this motion.	
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MARIN MILMAN SHRIBSON

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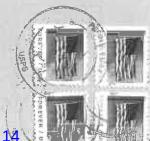
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